IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Van Eis et al.	)	Examiner: Shterengarts, Samantha
Serial No.:	10/586,421	)	Group Art Unit: 1626
Filed:	October 18, 2006	)	Confirmation No.: 4842
Title:	Indolylmaleimide Derivatives as PKC Inhibitors	)	Attorney Docket: NOV-16-US

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the non-final Restriction Requirement mailed on December 15, 2008.

In the Restriction Requirement, the Examiner requested Applicants to elect one of the following inventions:

Group I. Claims 2-10 and 12-13, drawn to compounds, compositions, and a process of making compounds of the Formula I.

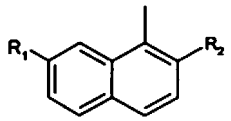
Group II. Claim 14-15, drawn to methods of using the instantly claimed compounds of Formula I.

Applicants respectfully traverse the restriction requirement; however, reserving all rights, provisionally elect to prosecute Group I, claims 2-10, and 12-13 and reserve the right to file one or more divisional applications directed to any non-elected subject matter. Claims 2-10 and 12-13 are directed to the elected invention.

MPEP 1850, pg. 1800-99, states that if there is a general inventive concept that appears novel and involves an inventive step, then there is unity of invention, and an objection of lack of unity of invention does not arise. Furthermore, a group of inventions is considered linked to form a single, general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature; these features define the contribution that which each claimed invention, considered as a whole, makes over the prior art. See MPEP 1893.03(d), pg. 1800-209. In this case, the compounds as disclosed in the application, are selective PKC inhibitors and not merely general PKC inhibitors. Moreover, they are particularly useful for treatment and/or prevention of diseases or disorders mediated by T lymphocytes, and/or PKC, e.g., mediated by the alpha and beta isoforms, and optionally, the theta isoform of PKC. See paragraphs [0003] and [0017], for example. An example shown in Table II shows a greater inhibitory effect at a lower concentration for the alpha/beta isoforms, as compared with other isoforms, such as the delta isoform of PKC. Therefore, this technical feature of the disclosed compounds being more selectively inhibitory of a particular PKC isoform, is novel and non-obvious over the reference. Thus, the method for treating disorders or diseases mediated by particular PKC isoforms using the more selectively inhibitory compounds as claimed in claims 14-15, are linked with claims 2-10 and 12-13, as they both share the common technical feature of using the selective PKC inhibitors.

Moreover, an international search report for the corresponding WIPO publication, WO 2005/068455, found that the document WO 2002/38561 as not affecting novelty or the inventive step. Therefore, the Applicant respectfully requests the Examiner to withdraw the Restriction Requirement.

Now referring to the election of species, the Applicants elects as species the compound of Example I of the specification, 3-(2-Chloro-7-dimethylaminomethyl-napthalen-1-yl)-4-(1-methyl-1H-indol-3-yl)-pyrrole-2,5 dione, for search purposes. Claims 5 and 7 read on the elected species and regarding the elected species, R is a radical of formula (a):



wherein

R_1 is $-(CH_2)_n-NR_3R_4$,

n= 1;

each of R_3 is C_1 alkyl.

and R_2 is a halogen.

It is believed that no fee is presently required. If any fees are required, please charge the same to Deposit Account 50-4255.

Respectfully submitted,

Date: January 15, 2009

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